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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,656	04/14/2004	Eun-jin Kang	1572.1253	4961

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EXAMINER

HABERMEHL, JAMES LEE

ART UNIT	PAPER NUMBER
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2651

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/823,656

Applicant(s)

KANG, EUN-JIN

Examiner

James L. Habermehl

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 Apr 04, 24 May 04, 11 Jul 05, and 8 Nov 05
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19-27 is/are allowed.
- 6) ☒ Claim(s) 1,5,9,11,14 and 16-18 is/are rejected.
- 7) ☒ Claim(s) 2,4,6-8,10,12,13 and 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 14 Apr 04, 24 May 04, 11 Jul 05, and 8 Nov 05
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

3. The information disclosure statement filed 14 April 2004 has been considered to the extent that a perusal of the foreign language figures in light of the very concise explanation of their relevance allows.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 16 recites the limitation "the data processing rotational speed" in line 2. There is insufficient antecedent basis for this limitation in the claim.

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 5, 9, 11, 14, and 16-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Koizumi et al. Koizumi et al. Figures 3, 5, 9, and 15-16 meet all the limitations of claims 1, 9, and 11, including a lower noise mode selection part (para 0076) and a controller driving the hard disk drive to rotate at maximum speed in normal mode and minimum speed in lower noise mode (para 0076).

Regarding claims 5 and 18, para 0067 shows selection implementation by a hot key.

Regarding claim 14, para 0128 shows increasing the speed to maximum rotational speed when the lower noise mode selection is released.

Regarding claim 16, para 0167 shows there can be three modes such that a data processing rotational speed could be called the "normal (standard) mode" and would be between the minimum speed and the maximum speed.

Regarding claim 17, para 0149 shows the maximum speed is at least 7200rpm.

8. Claims 19-27 are allowed over the prior art of record. Claims 2-4, 6-8, 10, 12-13, and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The following is a statement of reasons for the indication of allowable subject matter:

Claims 2, 10, 12, and 19 are allowable over the prior art of record since the cited references taken individually or in combination fails to particularly disclose a hard disk drive driving part and method for driving a hard disk drive comprising controlling the disk drive

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during a lower noise mode to rotate at a data processing speed which is faster than the minimum speed and slower than the maximum speed, on the basis of an external data processing signal, as presented in the environment of claims 2, 10, 12, and 19. It is noted that the closest prior art, Koizumi et al., shows controlling a disk drive to rotate more slowly during a lower noise mode. However, Koizumi et al. fails to disclose controlling the disk drive during a lower noise mode to rotate at a data processing speed which is faster than the minimum speed and slower than the maximum speed, on the basis of an external data processing signal, as claimed.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Yamashita et al., Singer et al., Wakui, and Yada et al. show controlling a disk drive similar to applicant's invention.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James L. Habermehl whose telephone number is (571)272-7556. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on (571)272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Habermehl/jlh
23 Nov 05



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SUPERVISORY PATENT EXAMINER
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